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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GRAHAM, GARY K

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,943

Applicant(s)

BIDDIX ET AL.

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 depends from claim 9 which has been cancelled. Such is improper. A claim cannot depend from a cancelled claim. Claim 10 has been treated as though it depends from claim 1.

Claim 11 is indefinite as it attempts to define the apparatus by the work upon which the apparatus acts. Claim 1, from which claim 11 depends, sets forth an apparatus for cleaning medical boards. The boards do not make up part of the apparatus. Thus defining that the chamber ends are separated by a distance less than a length of the board has no clear meaning since the board is not part of the apparatus. Absent the board, what does this mean?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-4, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al (U.S. patent 2,313,606) in view of Schafer (US patent 2,334,651).

The patent to Webb discloses the invention substantially as is claimed, including a cleaning apparatus (fig.4) having a box (10) which defines a chamber therein. Each end of the chamber has an opening (14) therein. Numerous partitions (12) are provided within the chamber to define various compartments which include a cleansing spray (24) section, rinsing spray (31) section and power driven brushes (27) provided between such spray sections. Said brushes are driven by a motor (35) mounted outside of said chamber.

The patent to Webb discloses all of the above recited subject matter with the exception of brushes lying in a common plane perpendicular to the article passing through the apparatus being rotatably driven in a same direction.

The patent to Schafer discloses a cleaning apparatus (fig.4) which employs guide rolls (47,48,51,54) and power driven cylindrical brushes (31,32). The guide rolls feed the article to be cleaned (10) through the apparatus while the brushes scrub the article. Spray delivery system (34,35) provides fluid to the brushes to enhance cleaning. Schafer also sets forth that the brushes on opposite sides of the article to be cleaned are rotated in the same direction (page 2, col. 2, lines 47+). Rotation of the brushes in the same direction acts to neutralize the pushing and retarding forces of the brushes to provide a smoother, steadier, more uniform forward travel of the article to be cleaned. Schafer compares this to rotation of the brushes in opposite directions which force the article ahead or retard the forward motion of the article.

It would have been obvious to one of skill in the art to rotate the cleaning brushes of Webb, on opposite sides of the article to be cleaned lying in a common plane, in the same direction, as clearly suggested by Schafer. Such will act to neutralize the pushing and retarding forces of the brushes to provide a smoother, steadier, more uniform forward travel of the article to be cleaned.

With respect to claim 1, while the claim sets forth an apparatus "for cleaning medical transport boards", such relates to the intended use of the cleaning apparatus and does not distinguish the apparatus from that which is disclosed by Webb. The apparatus of Webb could be used to clean any components so desired, including medical transport boards. Also, while the cleansing solution disclosed by Webb is considered broadly to be a disinfectant spray, a disinfectant is not specifically claimed in claim 1. Claim 1 only calls for a spray section "for" spraying disinfectant. Clearly the spray heads (24) could spray disinfectant if so desired. Additionally, the brushes (27) are considered to be between the "sections" defined by the spray nozzles (24,31). Brushes do not have to be located between the partitions until claim 7.

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With respect to claim 4, Webb sets forth that the cleansing solution may be pumped (page 2, column 1, lines 40-43), thus clearly disclosing a pump.

With respect to claim 8, note supply tank (26).

With respect to claim 9, note that two of the brushes (27) may be selected between sections defined by the sprays (24,31) that are rotating in the same direction. In particular, one from compartment A and one from compartment B.

With respect to claim 10, note motor (35) outside the chamber.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al (U.S. patent 2,313,606) in view of Schafer (US patent 2,334,651), as applied to claim 1 above, and further in view of Wing (U.S. patent 3,504,390).

The patents to Webb and Schafer disclose all of the above recited subject matter with the exception of a pre-wetting dispensing system in the disinfectant spray section and the brushes being located between the first and second partitions.

The patent to Wing discloses a cleaning apparatus comprised of a closed chamber (11) having an opening at input end (12) and an opening at output end (13). Wing discloses various sections within the chamber including multiple spray sections (stations one to four), a brushing section (station three) with rotary brushes (109) and a rinse section (station five). Stations one through four include spraying heated detergent containing water while station five includes spraying heated tap water. The heated detergent containing water is considered to be a disinfectant spray. Wing clearly suggested providing multiple spray sections as well as a separate rinse section that does not include brushing.

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It would have been obvious to one of skill in the art to provide the apparatus of Webb with additional spray sections leading up to the brush sections, as clearly suggested by Wing, to increase the article cleansing. The additional spray sections could be considered as a pre-wetting system. Note that Wing discloses the use of heated detergent containing water. Such acts as a pre-wetting water dispensing system and as a disinfectant.

With respect to claim 7 and the addition of multiple spray sections prior to the scrub brushing, as suggested by Wing, it appears that additional partitions would also be added. Webb clearly disclose use of partitions between various sections. The addition of such would provide that the brushes (27) of Webb would be between partitions as is claimed.

Response to Arguments

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection. As set forth above, Schafer clearly teaches that cleaning brushes lying in a common plane on opposite sides of an article to be cleaned are rotated in the same direction. Schafer sets forth that such is done to neutralize the pushing and retarding forces of the brushes thus providing a steadier and more even movement of the article to be cleaned.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

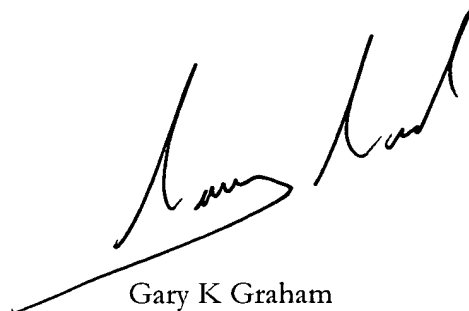
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary K. Graham', is written over a horizontal line.

Gary K Graham
Primary Examiner
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